

Appln. No. 10/795,970  
Amendment dated September 18, 2007  
Reply to Office Action mailed June 18, 2007

### **REMARKS**

Attorney for applicant has carefully reviewed the outstanding Office Action on the above-referenced application. Applicant has amended Claims 1, 10-12, and 22-24, and has canceled Claim 9.

The Examiner objected to Claim 22 due to an informality. With the entry of this Amendment, Claim 22 has been amended in order to address the objection.

Claims 1, 4-6, 9, 10, 12, and 22-27 have been rejected under 35 U.S.C. 102(b) as being anticipated by Staebler U.S. Patent No. 4,742,910. Claims 7, 8, and 11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the Staebler reference. Applicant's attorney respectfully traverses the foregoing claim rejections for the following reasons.

#### **Amended Independent Claim 1**

The present invention, as recited in amended independent Claim 1, relates to a safety syringe and cap holding device which includes a syringe having a body portion and a needle assembly interconnected with the body portion. The needle assembly includes a needle with an injection end and a hub. As recited in amended Claim 1, the safety syringe also includes a cover removably attached to the hub and covering the injection end of the needle. The cover includes a pair of opposing protrusions for engagement with the recess of the hub. A cap holding device has a receptacle for receiving the cover. Means are also provided in the cap holding device for disengaging the cover from the hub to allow the

syringe and needle assembly to be withdrawn from the cap holding device with the injection end of the needle uncovered while the cover remains in the cap holding device. Another means are provided in the cap holding device **for selectively retaining or releasing** the cover from engagement within the cap holding device. Thus, the present invention includes two separate mechanisms. One mechanism is used to disengage the cover from the hub, and the other mechanism is used to selectively retain or release the cover from engagement within the cap holding device. In this manner, the syringe and the cover may be removed from the cap holding device when one is finished using the syringe.

It is respectfully submitted that the Staebler reference does not anticipate or make obvious the present invention as recited in amended Claim 1. The Staebler reference discloses a needle sheath holder that includes a gripper assembly that simply serves to retain a needle sheath (which the Examiner equates to as the cover of the present invention). After the needle sheath is frictionally retained in the barrel member of the needle sheath holder, one may use the syringe for its intended use. After such use, the needle is reinserted into the needle sheath. There is no actuating device in the needle sheath holder of the Staebler reference for selectively retaining or releasing the needle sheath after the needle is reinserted into the needle sheath. Accordingly, the Staebler reference does not disclose or suggest a mechanism for selectively retaining or releasing the cover, as recited in amended Claim 1.

In the foregoing circumstances, amended independent Claim 1 is believed to be in condition for allowance. Because Claims 4-8 and 10-12 depend, directly or indirectly,

from Claim 1, they are also believed to be in condition for allowance. Nevertheless, applicant's attorney notes that the dependent claims recite additional novel features of the present invention. For instance, Claim 5 requires that the linkage system includes one or more hooks for engaging one or more handles on the cover for disengaging the pair of opposing protrusions away from the one recess to disengage the cover from the hub. The Staebler reference does not disclose or suggest one or more hooks, as recited in Claim 5.

Amended Independent Claim 22

The present invention, as recited in amended independent Claim 22, relates to a safety syringe and cap holding device, which includes at least the following novel and non-obvious feature: means for disengaging the cover which includes one or more hooks in the receptacle for engaging the one or more handles to move the one or more internally facing protrusions from the hub.

There is no disclosure or suggestion in the Staebler reference of one or more hooks for engaging the one or more handles to move the one or more protrusions from the hub. Referring to FIG. 4 of the Staebler reference, a flange 24 (which the Examiner equates to as the hooks of the present invention) is positioned on one side of the shield member 24, while a mounting flange 26 is positioned on the opposite side of the shield member 24. Thus, the flange 24 cooperates with the flange 26 to merely mount the shield member 24. The flange 24 does not engage any structure on the needle sheath 28 (which the Examiner equates to as the cover of the present invention).

The hooks of the present invention function in a different way than the gripping members 20 of the Staebler reference. More particularly, the hooks of the present invention are sized to engage the one or more handles on the cover to move the one or more internally facing protrusions away from the hub. Thus, the hooks of the present invention function as an actuator. In contrast, the gripping members 20 of the Staebler reference are sized to merely frictionally engage the needle sheath 28 so as to grip and retain the needle sheath 28 in the barrel member 12. The gripping members 20 of the Staebler reference cannot be considered to be equivalent to the hooks of the present invention.

Further, the needle sheath 20 of the Staebler reference does not include one or more handles corresponding to one or more internally facing protrusions.

In view of the distinctions discussed above, it is respectfully submitted that the safety syringe and cap holding device recited in Claim 22 is patentably distinguishable from the needle sheath holder disclosed in the Staebler reference. Accordingly, Claim 22 is believed to be in condition for allowance. Because Claims 23-25 depend, directly or indirectly, from Claim 22, they are also believed to be in condition for allowance.

#### Independent Claim 26

The present invention, as recited in independent Claim 26, relates to a safety syringe and cap holding device, which includes at least the following novel and non-

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obvious feature: an actuator positioned **remotely** from the housing for actuating the cap holding device.

There is no disclosure or suggestion in the Staebler reference of an actuator positioned **remotely** from the housing for actuating the cap holding device. The shield member disclosed in the Staebler reference is mounted to the barrel member. The Examiner's contention that the shield member disclosed in the Staebler reference is an actuator is incorrect, since the shield member does not move to action or motion any component. Assuming, for the sake of argument only, that the shield member disclosed in the Staebler reference is an actuator, the shield member is positioned **adjacent** to the barrel member.

In view of the distinctions discussed above, it is respectfully submitted that the safety syringe and cap holding device recited in Claim 26 is patentably distinguishable from the needle sheath holder disclosed in the Staebler reference. Accordingly, Claim 26 is believed to be in condition for allowance. Because Claim 27 depends directly from Claim 26, Claim 27 is also believed to be in condition for allowance.

In view of the foregoing amendments and remarks, applicant's attorney respectfully requests reexamination and allowance of pending Claims 1, 4-8, 10-12, and 22-27. If such action cannot be taken, the Examiner is cordially invited to place a telephone call to applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

No fees are believed to be due in connection with the submission of this

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Amendment. If there are any fees due as a result of this Amendment, including extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 503571.

Respectfully submitted,



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Dated: 9/18/07